IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

MACON COUNTY INVESTMENTS, INC.; REACH ONE; TEACH ONE OF AMERICA, INC.,	)	
PLAINTIFFS,	)	
v.	)	**CIVIL ACTION NO.: 3:06-cv-224-WKW**
SHERIFF DAVID WARREN, in his official capacity as the SHERIFF OF MACON COUNTY, ALABAMA,	)	
DEFENDANT.	)	

DEFENDANT SHERIFF WARREN'S RESPONSE TO SCHEDULING CONFERENCE OF FEBRUARY 15, 2007

COMES NOW, Defendant Sheriff David Warren ("Sheriff Warren") and respectfully responds in follow up to the scheduling conference conducted by this Honorable Court on February 15, 2007, requesting the court to schedule discovery completion and dispositive motion filing dates and states as follows:

1. Upon statement by counsel for the parties, the Court indicated, among other things, that the above referenced case will be set for trial during the June 4, 2007 trial term.

2. During the scheduling conference, the Court inquired of counsel concerning their respective positions with concerning pending discovery and proposed discovery deadlines. The undersigned counsel indicated the need for follow up discovery from plaintiffs on limited issues that came forward during depositions of the parties. The undersigned counsel inadvertently did not advise the court of additional written discovery that had been drafted, but not propounded upon the plaintiffs. Subsequent to the

conclusion of the hearing and immediately upon ascertaining the oversight, the undersigned counsel contacted plaintiffs' counsel, Kenneth L. Thomas, Esq., and discussed the same with him along with other follow up discovery that is needed. The said Defendant Sheriff David Warren's Second Request for Production to Macon County Investments, Inc. And Reach One, Teach One of America, Inc. was then served on counsel electronically and by first class mail. This morning at approximately 8:30, the undersigned counsel and plaintiffs' counsel, Thomas discussed the need for completion of discovery to be set at or near the May 1, 2007, the date initially proposed by the defendant based on the proposed June 4, 2007 trial setting. Counsel also seem to agree that the date for potentially dispositive motions should be on or about April 5, 2007, which will be sixty (60) days from the trial term.

Defendant avers that scheduling as suggested hereinabove will not unduly prejudice either party; rather the same will promote orderly trial of the issues of this case.

Accordingly, defendant Sheriff David Warren reports the aforementioned to the Court and requests that this Honorable Court schedule discovery completion date and dispositive motion date as set forth hereinabove.

Dated this 16th day of February, 2006.

Respectfully submitted,

/s/ Fred D. Gray, Jr.
Fred D. Gray, Jr. (GRA044)

One of the Attorneys for Defendant,
David Warren, Sheriff of Macon County,
Alabama

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on February 16, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Kenneth L. Thomas, Esq.
Ramadanah M. Salaam, Esq.
Christopher K. Whitehead, Esq.
Gary A. Grasso, Esq.
Adam R. Bowers, Esq.

s/Fred D. Gray, Jr.
OF COUNSEL